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July 5, 1973

### AIRMAIL

George J. Brandt, Jr., Esq.  
Messrs. Watson, Leavenworth, Kelton  
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100 Park Avenue  
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U. S. A.

Dear Mr. Brandt:

Re: Canadian Patent Application 115,429  
Philip Morris Incorporated -  
Your Ref: 582-703 Canada -  
Our Reference: FIP:cv

Thank you for your letter of June 29, 1973.

A reply to the Official Action has now been prepared and filed in the Canadian Patent Office and we enclose for your records two copies of our amendment as filed. As instructed we have replaced the original claims by claims essentially identical to those appearing in U. S. Patent 3,703,177 and we have submitted arguments essentially the same as those set out in page 2 of your letter. We hope that these arguments will persuade the Examiner to withdraw his rejection.

Minor editorial revisions have been made to the abstract and to page 2 of the specification, to improve the readability of the text somewhat.

There is a possibility of the Examiner raising a further objection to the product claims. These claims are really defined in terms of process steps, and it is possible that the Examiner may hold that the product may not be claimed in terms of a process but only in terms of constitution or structure, properties and/or characteristics. This is of course the best way to define a new product such as the smoking product of the present invention in a claim; however if it is not possible to do so, i. e. define the product per se, it is permissible under Canadian patent law to

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claim a product in terms of a process for making it. In any case, for the time being we would suggest awaiting the Examiner's reaction to our amendment before taking any further action in the present application.

Yours very truly,

GOWLING & HENDERSON

Per:

*Frank I. Pole*  
Frank I. Pole.

Encls.

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